Situation of human rights in Myanmar

Report of the Secretary-General

Introduction

1. The present report is submitted pursuant to paragraph 21 of General Assembly resolution 52/137 of 12 December 1997, entitled "Situation of human rights in Myanmar", in which the Assembly requested me to continue my discussions with the Government of Myanmar in order to assist in the implementation of that resolution, and to report to the Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fourth session.

2. The Commission will be aware from my report to the General Assembly (A/52/587) that my envoy, Mr. Alvaro de Soto, Assistant Secretary-General for Political Affairs, visited Myanmar from 7 to 10 May 1997 and held consultations with Secretary-1 of the State Law and Order Restoration Council, as it then was, Lieutenant-General Khin Nyunt, the Minister for Foreign Affairs, U Ohn Gyaw, and other senior officials. Mr. de Soto also held consultations with leaders of political parties - namely, the National League for Democracy (NLD), including its General-Secretary, Daw Aung San Suu Kyi, the National Unity Party (NUP) and the Shan Nationalities League for Democracy (SNLD).

3. I had the opportunity of discussing the situation in Myanmar with Foreign Minister U Ohn Gyaw when he visited New York on 27 June. A further meeting took place in New York on 1

October between the Minister for Foreign Affairs and my envoy. Reference to the outcome of these meetings is contained in document A/52/587.

4. On the occasion of my official visit to Malaysia last December which coincided with the ASEAN Informal Summit held in Kuala Lumpur, I met Senior General Than Shwe, Chairman of the newly established State Peace and Development Council (SPDC) and Prime Minister of the Union of Myanmar, and discussed with him some of the concerns raised by the General Assembly and the Commission on Human Rights regarding the situation in Myanmar. It was agreed at that meeting that my envoy would visit Myanmar in January 1998.

5. Mr. de Soto visited Myanmar from 20 to 23 January 1998. He was received by and held talks with Chairman of the SPDC and Prime Minister Senior General Than Shwe, Secretary-1 of the SPDC, Lieutenant-General Khin Nyunt and Foreign Minister U Ohn Gyaw. He also held discussions with the NLD, including General-Secretary Daw Aung San Suu Kyi.

## I. GOOD OFFICES EFFORTS

6. During his visit my envoy discussed with his interlocutors in the Government issues that have been repeatedly raised in resolutions of the General Assembly and Commission on Human Rights, in particular, steps to be taken by the Government towards the restoration of democracy in light of the results of the 1990 elections, political freedoms, the opening of a substantive political dialogue with political parties, particularly the NLD and its General-Secretary and with representatives of the national races, the visit by the Special Rapporteur and access to prisoners and prisons.

7. In his meetings with government officials Mr. de Soto reiterated my desire to assist in bridging the differences that separate Myanmar from the international community and the consequent importance of addressing the concerns raised in the General Assembly. In particular, my envoy encouraged the Government to open a genuine dialogue with NLD as the party that had won the majority of votes at the 1990 elections and suggested that the dialogue which, according to the Government, it was holding with the national races should be intensified and become more transparent. My envoy also suggested that since the Government was intent on promoting an inclusive approach towards the armed insurgent groups, some of whom had been fighting the central Government since independence, it should be able to adopt a similarly inclusive approach vis-à-vis the NLD. A possible starting point might be a discussion on ways of making the National Convention more open and representative which, in turn, might encourage the NLD to return to the Convention. In conclusion, my envoy urged the Government to give visible signals that it was indeed moving towards democracy by, for example, presenting a calendar or concrete targets for a transition towards a multi-party system.

8. My envoy pointed out that the Secretary-General's good offices mandate did not include fact-finding or reporting on the human rights situation in Myanmar since that responsibility rested with the Special Rapporteur designated by the Commission for that purpose. My envoy's visits could therefore not be considered as a substitute for those of the Special Rapporteur. He repeatedly urged

the authorities to accept a visit by the Special Rapporteur so that he would be able to observe the situation in the country first hand, without having to rely on outside sources, and submit a report that could better reflect the Government's views.

9. In February, following my envoy's visit, I requested the Government to consider concrete steps of the kind suggested by my envoy, such as the renewal of a dialogue with the NLD, the amendment of laws restricting political rights and freedoms, the release of persons in detention or imprisoned for politically related offences and the setting of a date for a visit by the Special Rapporteur. In response, the Government, without addressing my suggestions for concrete steps, has informed me that it "will continue to move forward in a systematic way towards our goal of a peaceful, prosperous, modern and developed State with a multi-party democratic system and a market-oriented economy".

10. In its talks with my envoy, the Government explained that the State Law and Order Restoration Council had been replaced in November 1997 by the State Peace and Development Council because law and order had been considerably restored in Myanmar and the Government's ultimate objective was the establishment of peace and development in the country. While the Government's goal was to establish democracy, it did not want to see the country disintegrate in the process, and was thus proceeding gradually.

11. With regard to a dialogue with political parties, particularly the NLD, the Government stated that it saw no difficulty in engaging in a dialogue with political parties, but that the "very negative" approach of the NLD towards the Government's actions made it difficult for it to establish contacts with that political grouping. Attention was drawn again to the process the Government followed in pursuing talks with the national races, and which the Government wanted to apply to talks with the NLD, the first step being initial contacts, the second engagement, and finally talks on substantive matters. In short, the Government, which affirmed that it allowed the NLD to function like any other political party, had not closed its door on a dialogue with the NLD, although its initial contacts with the party should not be characterized as a "dialogue".

12. The NLD, for its part, informed my envoy of continued harassment against its members and supporters, including forced resignations from the party, arbitrary arrests, suppression of freedoms of expression, movement and association, as well as other restrictions on normal political activities. Daw Aung San Suu Kyi was not allowed to carry out normal political activities outside her compound. The general population in Myanmar was often denied the right to education and economic development, while forced relocation and labour continued in Myanmar, particularly in the ethnic minority areas.

13. Regarding the national races, the Government stated that its priority was to achieve "national reconsolidation" by bringing all the armed ethnic groups into the legal fold and developing the border areas. So far, 17 of the 18 armed groups (including Khun Sa's Mong Tai Army) had "returned to the legal fold," and the new constitution, which would give important powers to the states, divisions and autonomous areas and zones, would adequately reflect their views. The Government was hoping to

reach a cease fire with the only remaining insurgent group which had not "returned to the legal fold" the Karen National Union (KNU), despite efforts by outsiders to prevent it. The KNU, for its part, maintains that they could not agree to a cease fire unless the Government agreed to a discussion of political issues, something that the Government was not prepared to do.

14 On the issue of the National Convention, which has not met since March 1996, the Government explained that it had completed 50 per cent of its work and was currently discussing with the national races the sensitive subject of power-sharing. (This assertion has been questioned by representatives of some of the national races.) According to the Government, the timing of the reopening of the Convention was uncertain since it depended on painstaking efforts to ensure the support of all national races for provisions of the new constitution, but it expressed the hope that my envoy could go to Myanmar in order to witness the work of the Convention.

15 Regarding relations with the organization responsible for access to prisons and prisoners, the Foreign Minister said, without elaborating, that progress was being made.

## II. OBSERVATIONS

16 I welcome the opportunity I had to discuss the situation in Myanmar with the Chairman of the State Peace and Development Council and the reception accorded to my envoy during his visit in January. It is important that contacts with the Government of Myanmar and with other political personalities continue, which it is my wish to do. I regret, however, that I am not in a position to report substantive progress on any of the matters on which the Commission has repeatedly raised concerns and that the contacts that I have had directly and through my envoy with the Myanmar authorities have yet to produce progress towards meeting these concerns.

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